

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2537 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO
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ANWAR HUSSAIN M KADRI

Versus

G S R T CORPORATION

Appearance:

1. Special Civil Application No. 2537 of 1998
MR DM THAKKAR for Petitioner No. 1
MRS VASAVDATTA BHATT for Respondent No. 1
..... for Respondent No. 2
RULE SERVED for Respondent No. 3
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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 01/05/2002

ORAL JUDGEMENT

Heard learned advocate Mr.Thakkar for the petitioner and Ms. Vasavdatta Bhatt for the respondents.

In this petition, the petitioner has challenged the order of transfer dated 25th March, 1998 transferring the petitioner to Mechanical Department at Surendranagar. At present, the petitioner is working as junior foreman in Rajkot Division and was transferred at Surendranagar Depot. This Court has already protected the petitioner by order dated 31st March, 1998 and as a result of that order, the order of transfer has not been implemented by the respondents and, thus, the petitioner is working at Rajkot Division as Junior Foreman. Mr. Thakkar has submitted that as such, the petitioner is not having any objection about the transfer but as regards change of the department, the petitioner is having serious objection and, therefore, he has submitted that even if the respondents want to transfer the petitioner and if there are any exigencies for such transfer, then, the respondent may transfer the petitioner at any place out of seven places which will be shown by the petitioner to the corporation. Ms. Bhatt for the respondent has submitted that for that, if the petitioner will make detailed representation pointing out seven places of his choice, then, the corporation will consider such representation of the petitioner and will pass appropriate order in accordance with law if the petitioner is required to be transferred in view of the exigencies.

In view of these submissions made by the learned advocates for both the parties, it is directed to the petitioner to make detailed representation and point out seven places of his choice for which the petitioner is not having objection for being transferred by the corporation, within one month from the date of receipt of copy of this order. As and when such representation is received by the corporation from the petitioner, it is directed to the respondents to consider such representation and if the corporation is of the view that the petitioner is required to be transferred in view of the exigencies, then, to take appropriate decision after examining grievance of the petitioner and to pass appropriate order in accordance with rules and regulations of the corporation. During the pendency of the representation before the corporation, interim order dated 31st March, 1998 shall continue to operate and in case any adverse orders are passed by the corporation, same shall not be implemented by the corporation for a further period of three weeks from the date of communication of such order to the petitioner. With these observations and directions, this petition is disposed of. Rule is made absolute in terms indicated hereinabove with no order as to costs.

Dt.1.5.2002. (H.K. Rathod, J.)

Vyas